

## REMARKS

Claims 24-43 were pending in the present application. Claims 1-23 were previously canceled. Claim 26 has been canceled and claim 27 has been amended by the present amendment. Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Claim 26 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 26 is herein canceled.

Claim 27 was rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 27 is herein amended to overcome this rejection.

Claims 24-25 and 28-43 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Pub. No. 20040084680, to Ruelke, et al. ("Ruelke").

Examiner has asserted that Ruelke "discloses a method for processing a semiconductor structure defining a metallization layer (203, paragraph [0033]) which results in or may result in said metallization layer being substantially free of damage." Examiner has also asserted that the claimed property "substantially free of damage" should be inherent. Applicants respectfully disagree.

Ruelke discloses a layer that can range between 100Å and 1,000Å, but does not teach or suggest any distinction between the endpoints of the range, as far as processing steps such as etching. When a removal process for removing a 1,000Å stop layer is used for removing a 100Å stop layer, the underlying metallization layer will not likely be substantially "free of damage." It will often occur that without realizing the problem, a process that is used to remove a 1,000Å stop layer will cause even more damage to a metallization layer when the process is used to remove a 100Å stop layer. Ruelke does not realize the problem of damaging the metallization layer when the overlying stop layer is removed, and does not distinguish between the 100Å thick layer and the 1,000Å thick layer.

As noted in the attached Affidavit, Ruelke provides no teaching or suggestion to one of skill in the art to modify in any way the etch process to compensate for dielectric film thickness. See the attached Affidavit of Tien-I Bao ("Affidavit") at Paragraph 5. Because Ruelke does not recognize the need to modify the etch process, one of ordinary skill in the art would recognize Ruelke as resulting in a process wherein the underlying metallization layer would be damaged. See Affidavit at Paragraphs 6 - 7.

Without the benefit of hindsight provided by Applicants' teaching, it cannot be inferred that the process in Ruelke would be adjusted according to the thickness of the stop layer to avoid damaging the metallization layer. In other words, although selecting a thickness of "about 300Å or less" can be selected from the range of 10nm to 100nm, it is not obvious that by making such a selection, the metallization layer will be substantially free of damage.

Accordingly, Applicants respectively submit that claim 24 is patentably distinct over Ruelke and is allowable. Because claim 27, as amended, and claims 25 and 28-43 depend from

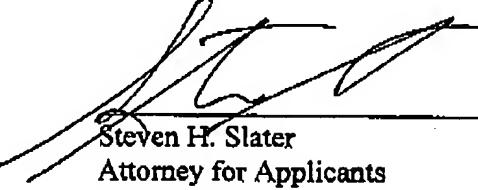
claim 24 and add further limitations, Applicants respectfully submit that claims 25 and 27-43 are allowable.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Steven H. Slater, Applicants' attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge Deposit Account No. 50-1065.

Respectfully submitted,

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Date

  
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